

REMARKS

In the Office Action, the Examiner rejected claims 20-22, 25-28, 30-34, 36, 37, 39 and 42 under 35 USC 102. The rejections are fully traversed below.

Claims 32 and 36 have been amended. Claims 43-47 have been added. Thus, claims 20-22, 25-28, 30-34, 36, 37, 39 and 42-47 are pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

ISSUES UNDER 35 USC 102(b)

Claims 20-22, 25-28, 30-34, 36, 37, 39 and 42 have been rejected under 35 U.S.C. §102(b) as being unpatentable over *Dodson* et al. U.S. Patent No. 5,841,426.

In contrast to *Dodson*, claim 20 (and its dependents) specifically requires, "...an integral top member cooperating with the base member to form a housing of the input device that encases internal components of the input device..."

Also in contrast to *Dodson*, claim 32 (and its dependents) specifically requires, "...a top member mechanically coupled with the base member to form the mouse housing and to encase said mouse electronics..."

Also in contrast to *Dodson*, claim 36 (and its dependents) specifically requires, "...a top member cooperating with the base member to form a housing of the input device that substantially encloses internal components of the input device..."

Also in contrast to *Dodson*, claim 42 (and its dependents) specifically requires, "...an integral top member mechanically coupled to the base member to encase the electronics..."

With regards to the above, while *Dodson* may disclose a platform 18 that pivots relative to a base 12 via a ball and socket joint 22/24, *Dodson* fails to teach or suggest a platform and a base that encases the internal components of the controller 10. As shown in Figs. 1 and 2, the internal components are exposed through gaps formed between the pedestal 18 and the base 12.

The pedestal 18 and base 12 are platforms that are connected via a ball and socket joint. Neither includes walls for enclosing or encasing internal components. The combination of the pedestal 18 and the base 12 simply does not form a housing, and therefore the rejection is unsupported by the art and should be withdrawn.

Also in contrast to *Dodson*, claim 32 (and its dependents) specifically requires, "A handheld computer mouse...the mouse housing being configured to be grasped and manipulated by a hand of a user..."

Also in contrast to *Dodson*, claim 36 (and its dependents) specifically requires, "...the top member ...being configured for placement inside a user's hand..."

Also in contrast to *Dodson*, claim 42 (and its dependents) specifically requires, "...the integral top member ... serve as a button for activating an internal electronic switch to register palm clicking as an input to the electronics."

While *Dodson* may disclose a mouse, *Dodson* does not teach or suggest a hand held mouse. In *Dodson*, the mouse is a foot operated device. And a foot operated device is simply not configured to be manipulated by a hand. For one, the foot operated device is much larger than a hand operated device thereby making hand manipulation difficult. For another, the platform is a flat pedestal that is not easily grasped by the hand. It appears that the platform operates like an acceleration pedal in a car. Furthermore, the motor control of the foot is much coarser the motor control of the hand and therefore a certain amount of slack is built into the foot operated device. As stated by *Dodson*, "It should be noted that careless or involuntary horizontal motions of the foot will not inadvertently contact a button type switch (Col. 2, lines 30-32)." Any amount of slack would make maneuvering the handheld mouse difficult. Furthermore, it is not very elegant solution and therefore it would leave a negative impression on the user. For at least these reasons, it would be difficult to imagine operating the foot operated device with a hand, especially in the manner that mice are typically used, i.e., it would not be very ergonomic thereby leading to hand fatigue. It should be noted that one advantage of the present invention is that it allows all users (large, small and deformed hands) to comfortably select data or execute commands by a simple and light wrist action. See for example the Abstract. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Furthermore, it should be pointed out that *Dodson* teaches away from a hand-held mouse when he states, "Computers employ for such tasks as word processing typically have both keyboards and control devices requiring manual grasping and manipulation. This arrangement leads to the frequent requirement that one hand be removed from the keypad to operate the manual control device or mouse. This style of operation is somewhat inefficient since the hand operating the mouse must be replaced on the keypad prior to resuming full operation of the key pad...The prior art addresses this problem by suggesting foot operated controls which could replace the mouse. The user's hands are thus freed to operate the keypad, while traditional mouse functions are performed by the foot. (Col. 1, lines 15-30)," and "The present invention provides a mouse type of control for computers which is adapted to operate by foot (Col. 2, lines 1-3)." For this reason alone, the rejection is improper and should be withdrawn.

Although the rejections to the dependent claims 21, 22, 25-28, 30, 31, 33, 34, 37, 39 and 43-47 should be withdrawn for at least the reasons as above, it should be noted that they offer additional language that is unsupported by the art. For example: In contrast to *Dodson*, claim 26 specifically requires, "...a biasing spring pad for biasing the integral top member in the first position." Accordingly, the rejection is unsupported by the art and should be withdrawn. In contrast to *Dodson*, claim 28 specifically requires, "...the integral top member includes a pair of pivots and wherein the base member includes a pair of snap mechanisms that mate with the pair of pivots." No such feature is described in *Dodson*. The most that can be said is that *Dodson* teaches a ball and socket joint. This however is not the same. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Respectfully submitted,
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